

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLES CARRICO,

Plaintiff,

vs.

Civ. No. 98-310 JP/LCS

GASEL TRANSPORTATION LINES, INC.,

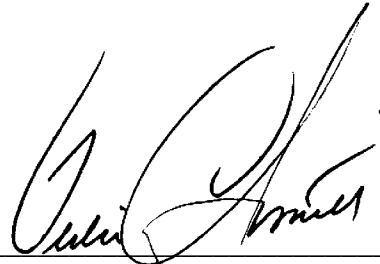
Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

This matter comes before the Court upon the August 3, 1998 Order to Show Cause and the Plaintiff's timely Response to the Court's Order to Show Cause, filed August 17, 1998. Having considered the aforesaid Response, I find that the Plaintiff fails to justify his delay in effecting service upon the Defendant. The Plaintiff simply does not explain why the delay occurred. Because it is the obligation of the Courts under the Civil Justice Reform Act to actively manage the case, I recommend dismissing this cause without prejudice if service is not effected by October 17, 1998. This will have given the Plaintiff approximately 210 days to effect service which is more than ample time and does not warrant any further explanations by the Plaintiff for the delay of service.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day

period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

Leslie C. Smith
UNITED STATES MAGISTRATE JUDGE